 Missouri Department of Natural Resources Administrative Policies and Procedures		
Chapter 1 Employee Relations Affirmative Action and Employee Relations Policy		
Sexual Harassment Complaint Procedures	Effective date	Revised
Number: 1.02-07	March 29, 2002	March 23, 2007

The department considers unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature as constituting sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions. and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Managers and supervisors shall not participate in intimate relationships with their subordinates or with employees involved in a power differentiated relationships. Employees and supervisors who find themselves involved in situations such as this should report this involvement to their supervisor for discussion and action to remove the power component from the relationship.

DEFINITIONS

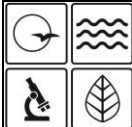
Power-differentiated working relationships: Any supervisor-subordinate work relationship in which one employee supervises or manages (directly or indirectly) another employee or makes decisions concerning another employee's terms, conditions or privileges of employment. This definition is extended to include department employees who, in the scope of their position, make decisions concerning other citizens, which affect the citizen's livelihood. Examples include, but are not limited to, the issuing of contracts, licensing, and any inspections.

Intimate relationships: Those relations that involve dating, sexual activity or romantic involvement.

Mediation: A process involving an intercession from an outside party to resolve a complaint between two or more parties, resulting in an agreement.

REFERENCES

Sexual Harassment: 8 CSR 60-3.040

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Related DNR policy

Affirmative Action and Employee Relations: 1.02

Alternative Dispute Resolution: 1.02-02

GENERAL PROVISIONS

Recognizing sexual harassment

It is important that all DNR employees recognize sexual harassment and understand their responsibilities for reporting and addressing harassment situations. To assist in ensuring an appropriate work environment, the following are required:

- All supervisors of the department shall participate in sexual harassment training.
- Sexual harassment training shall be made available to all employees on an annual basis.
- All new employees shall be required to participate in sexual harassment training.

Examples of sexual harassment

The following list gives examples of behavior that falls outside appropriate and acceptable work demeanors. It is not meant to be exhaustive. These behaviors may occur between supervisors and employees, coworkers, and customers or visitors and employees.

Verbal


Sexually suggestive language, comments, innuendoes, propositions, threats or jokes. This includes slang and curse words that are gender based and may include repeated references to others as “doll, honey, baby, sugar, little girl or boy,” etc. These labels are demeaning and are not appropriate in a professional work environment.

Nonverbal

Suggestive or insulting sounds, whistling, leering, obscene gestures, sexually suggestive body gestures, and “catcalls”.

Visual

Sexually suggestive written documents, email, or Internet material containing explicit language or graphic descriptions, pictures, pinups, or slogans. Anatomical descriptions or

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descriptions of articles of clothing in documents or cartoons are included; as is displaying, storing, or transmitting pornographic or sexually oriented materials using Department of Natural Resources equipment or facilities.


Physical

Any sexually suggestive or unwanted physical contact including touching, unwelcome hugging, kissing, pinching, brushing of the body, coerced sexual intercourse or sexual assault. This includes engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome and engaging in indecent exposure.

Power

The majority of situations involving sexual harassment involve a dynamic of power within the employment situation. Examples of prohibited behavior are:

- Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request.
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request.
- Sending sexually oriented materials in the mail, e-mail or on the computer to a coworker openly or anonymously to intimidate or harass the coworker.
- Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances.
- Promising, directly or indirectly, a reward to an individual (or the company an individual may represent) we may regulate (through permit, license, certificate, or any other means), if that individual complies with a sexually oriented request.
- Threatening to retaliate, directly or indirectly, against an individual (or the company an individual may represent) we may regulate (through permit, license, certificate, or any other means) if that individual refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, a grant or a contract to an individual (or the company the individual may represent) if the individual refuses to comply with a sexually oriented request.

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Behavior which does not occur in the workplace

Behaviors covered by this procedure most often occur in the work environment, but may occur outside the actual workplace at conferences, meetings, or other extra-curricular events and through informal contact. These behaviors may be the responsibility of the DNR when such conduct has the purpose or effect of having a negative impact on an employee's ability to perform.

Employee responsibilities

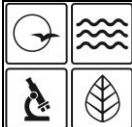
If employees believe that they have been subject to sexual harassment or any unwanted sexual attention, they are encouraged to:

- Make their unease and/or disapproval directly and immediately known to the harasser.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to the Department of Natural Resource's Office of Employee Relations or their supervisor. All incidents of sexual harassment or inappropriate sexual conduct should be reported.
- Employees who find himself or herself involved in an intimate relationship with a person that is in a power differentiated work situation should report the involvement to a supervisor for discussion and action to remove the power component from the relationship. Employees who report such actions will not experience consequences for participating in such a relationship.
- Employees shall cooperate with internal investigations or investigations with the appropriate authority

Manager's responsibility

All managers and supervisors are responsible for immediate action in any incidents of sexual harassment whether or not a written complaint is received.

Any member of management who observes or receives a complaint of sexual harassment shall advise the department Employee Relations Officer. Supervisors and managers must bring these issues of sexual harassment or alleged sexual harassment forward to resolve. Sexual harassment is a violation of federal law and cannot legally be ignored or hidden.

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Managers or supervisors are responsible for ensuring the workplace is free of sexual harassment and for taking corrective action in incidents of harassment.

Managers or supervisors shall not participate in intimate, romantic or dating relationships with their subordinates or with employees involved in power-differentiated relationships. Supervisors who have or are participating in such a relationship and who report this relationship to their managers will not experience consequences unless they are found to have caused sexual harassment or unfair treatment.

Informal resolution procedures

Employees often can stop or prevent sexual harassment by immediately and directly expressing their disapproval of inappropriate attention or conduct. Employees may opt to handle situations by expressing this disapproval to the individual involved in the conduct. Employees are encouraged to report all incidents of sexual harassment or inappropriate sexually oriented and gender-based conduct to the Office of Employee Relations or their supervisor.

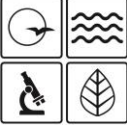
In many cases, a supervisory warning to an alleged harasser, combined with appropriate follow-up supervision and monitoring of the employee's behavior is sufficient to prevent or stop sexual harassment.

Some complaints can be resolved through informal mediation between the two parties. The Office of Employee Relations can arrange for or facilitate mediation between the parties and coordinate other informal conflict resolution measures.

If the complaint cannot be resolved informally or if the alleged victim is uncomfortable with the informal resolution process, the Office of Employee Relations is available to assist the alleged victim with the sexual harassment complaint.

Formal resolution procedures

To initiate a formal investigation into an alleged violation of this policy, employees must report the complaint to their supervisor or to the department Employee Relations Officer. Complaints should be filed as soon as possible after an incident of alleged sexual harassment. To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

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- The name of the person or persons allegedly causing the harassment.
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- The effect of the alleged incident(s) on the complainant's position, salary, benefits, promotional opportunities or other terms or conditions of employment, and any effects on the complainant's work environment.
- The names of other employees who might have been subject to the same or similar harassment.
- Any steps the complainant has taken to try to stop the harassment. and
- Any other information the complainant believes to be relevant to the harassment complaint.

Investigation

The department's Employee Relations Officer or designee will conduct investigations of complaints of sexual harassment in an expeditious manner.

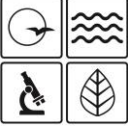
Investigation results will be reported to the department director or designee and appropriate division director. Information is maintained in a confidential manner and available only on a need-to-know basis.

Investigations of complaints of harassment are confidential as are all witness interviews and documents gathered. Complaints may be communicated as discreetly as possible to other employees if necessary to the investigation (i.e. for interview purpose).

The department's Employee Relations Officer will maintain copies of investigations and materials gathered during the course of an investigation. Copies of investigations and any materials gathered during the investigation will not be maintained in any employee personnel record unless it is materials involved in and supporting a disciplinary action. These investigation documents will not be available to the alleged victim, alleged harasser, or any other party not involved in the necessary review process.

Monitoring compliance

The supervisor of any employee found to be in violation of this policy is responsible for monitoring their compliance with any mediation agreement or investigative recommendation.

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The supervisor must ensure that the harassment does not reoccur and that the victim is not subjected to retaliation.

If problems reoccur the employee and/or supervisor should contact the Office of Employee Relations and/or their supervisor.

Remedial action

Appropriate remedial action will be taken to remove all forms of sexual harassment. Penalties for violating this policy may involve reprimand, suspension, demotion and dismissal.

Any employee who impedes an investigation or provides false information may be subject to disciplinary action.

Any employee who retaliates against another employee for filing or participating in an investigation of sexual harassment may be subject to disciplinary action.

Confidentiality

All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept confidential and will only be released to outside parties under subpoena.

Retaliation

No employee shall experience retaliation for filing a complaint or otherwise utilizing this policy. Witnesses are also protected from retaliation for participating in an investigation or reporting harassment under this policy. Employees who feel they have experienced retaliation are required to report the activity to either their immediate supervisor or the Office of Employee Relations.